

MESSAGE NO: 3155201

MESSAGE DATE: 06/04/2003

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: COR

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-580-851

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 05/28/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CORRECTION OF MSG 3118201 RE THE PRELIMINARY DETERMINATION IN THE
CVD INVESTIGATION OF DRAMS FROM KOREA (C-580-851)

MESSAGE NO: 3155201 DATE: 06 04 2003

CATEGORY: CVD TYPE: COR

REFERENCE: REFERENCE DATE:

CASES: C - 580 - 851 - -

- - - -

- - - -

PERIOD COVERED: 05 28 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CORRECTION OF MSG 3118201 RE THE PRELIMINARY
DETERMINATION IN THE CVD INVESTIGATION OF DRAMS FROM
KOREA (C-580-851)

1. U.S. BUREAU OF CUSTOMS AND BORDER PATROL (BCBP) REQUESTED
THE DEPARTMENT OF COMMERCE TO PROVIDE ADDITIONAL INSTRUCTIONS TO
ADDRESS ENFORCEMENT CONCERNS. THIS MESSAGE ADDRESSES THOSE
CONCERNS AND REPLACES MESSAGE NUMBER 3118201.

2. ON APRIL 07, 2003, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER (68 FR 16766) ITS PRELIMINARY AFFIRMATIVE
DETERMINATION IN THE COUNTERVAILING DUTY INVESTIGATION OF DYNAMIC

ACCESS MEMORY SEMICONDUCTORS FROM THE REPUBLIC OF KOREA (KOREA).

3. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS (DRAMS) FROM KOREA, WHETHER

ASSEMBLED OR UNASSEMBLED. ASSEMBLED DRAMS INCLUDE ALL PACKAGE TYPES. UNASSEMBLED DRAMS INCLUDE PROCESSED WAFERS, UNCUT DIE, AND CUT DIE. PROCESSED WAFERS FABRICATED IN KOREA, BUT ASSEMBLED INTO FINISHED SEMICONDUCTORS (DRAMS) OUTSIDE KOREA ARE ALSO INCLUDED IN THE SCOPE. PROCESSED WAFERS FABRICATED OUTSIDE KOREA AND ASSEMBLED INTO FINISHED SEMICONDUCTORS IN KOREA ARE NOT INCLUDED IN THE SCOPE.

THE SCOPE OF THIS INVESTIGATION ADDITIONALLY INCLUDES MEMORY MODULES CONTAINING DRAMS FROM KOREA. A MEMORY MODULE IS A COLLECTION OF DRAMS, THE SOLE FUNCTION OF WHICH IS MEMORY. MEMORY MODULES INCLUDE SINGLE IN-LINE PROCESSING MODULES, SINGLE IN-LINE MEMORY MODULES, DUAL IN-LINE MEMORY MODULES, SMALL OUTLINE DUAL IN-LINE MEMORY MODULES, RAMBUS IN-LINE MEMORY MODULES, AND MEMORY CARDS OR OTHER COLLECTIONS OF DRAMS, WHETHER

UNMOUNTED OR MOUNTED ON A CIRCUIT BOARD. MODULES THAT CONTAIN OTHER PARTS THAT ARE NEEDED TO SUPPORT THE FUNCTION OF MEMORY ARE

COVERED. ONLY THOSE MODULES THAT CONTAIN ADDITIONAL ITEMS WHICH ALTER THE FUNCTION OF THE MODULE TO SOMETHING OTHER THAN MEMORY, SUCH AS VIDEO GRAPHICS ADAPTER BOARDS AND CARDS, ARE NOT INCLUDED IN THE SCOPE. THIS INVESTIGATION ALSO COVERS FUTURE DRAMS MODULE TYPES.

THE SCOPE OF THIS INVESTIGATION ADDITIONALLY INCLUDES, BUT IS NOT LIMITED TO, VIDEO RANDOM ACCESS MEMORY, AND SYNCHRONOUS GRAPHICS RAM, AS WELL AS VARIOUS TYPES OF DRAMS, INCLUDING FAST PAGE-MODE, EXTENDED DATA-OUT, BURST EXTENDED DATA-OUT, SYNCHRONOUS DYNAMIC RAM, RAMBUS DRAM, AND DOUBLE DATA RATE DRAM.

THE SCOPE ALSO INCLUDES ANY FUTURE DENSITY, PACKAGING, OR

ASSEMBLING OF DRAMS. ALSO INCLUDED IN THE SCOPE OF THIS INVESTIGATION ARE REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, WITH OR WITHOUT A CENTRAL PROCESSING UNIT, UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH THE CUSTOMS SERVICE THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT, WILL REMOVE THE MODULES FROM THE MOTHERBOARDS AFTER IMPORTATION. THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE DRAMS OR MEMORY MODULES THAT ARE RE-IMPORTED FOR REPAIR OR REPLACEMENT.

THE DRAMS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8542.21.8005 AND 8542.21.8021 THROUGH 8542.21.8029 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). THE MEMORY MODULES CONTAINING DRAMS FROM KOREA, DESCRIBED ABOVE, ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8473.30.10.40 OR 8473.30.10.80 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND

CUSTOMS PURPOSES, THE DEPARTMENT'S WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION REMAINS DISPOSITIVE.

4. FOR DIRECT IMPORTS AND MERE INDIRECT IMPORTS OR
TRANSSHIPMENTS THROUGH THIRD COUNTRIES OF KOREAN DRAMS AND
MEMORY

MODULES PRODUCED BY A SINGLE KOREAN MANUFACTURER, EXCEPT FOR CERTAIN DRAMS AND MEMORY MODULES FROM THE REPUBLIC OF KOREA MANUFACTURED/EXPORTED BY SAMSUNG ELECTRONICS CO., LTD (C-580-851-002), WHICH HAD A DE MINIMIS MARGIN, BCBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 07, 2003. EFFECTIVE APRIL 07, 2003 BCBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATE SHOWN BELOW:

MANUFACTURER/PRODUCER/ EXPORTER	CUSTOMS ID NUMBER	AD VALOREM SUBSIDY RATE
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HYNIX SEMICONDUCTOR INC.

(FORMERLY, HYUNDAI ELECTRONICS

INDUSTRIES CO., LTD.)

C-580-851-001 57.37 PERCENT

ALL OTHERS

C-580-851-000 57.37 PERCENT

5. THE SCOPE OF THIS INVESTIGATION INCLUDES DRAMS PACKAGED AND ASSEMBLED IN ALL COUNTRIES WHICH CONTAIN UNASSEMBLED KOREAN DRAMS. THE IMPORTER OF ASSEMBLED DRAMS MAY CERTIFY WITH BCBP THAT THE ASSEMBLED DRAMS DO NOT CONTAIN ANY UNASSEMBLED KOREAN DRAMS, IN WHICH CASE, NO SUSPENSION OF LIQUIDATION IS REQUIRED. FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE ASSEMBLED DRAMS MUST CERTIFY THE FOLLOWING:

I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING DRAMS), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE ASSEMBLED DRAMS, AND THAT THESE ASSEMBLED DRAMS DO NOT CONTAIN UNASSEMBLED KOREAN DRAMS.

AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO

MAKE SUCH A CERTIFICATION. UNLESS THE COMPANY IMPORTING THE ASSEMBLED DRAMS MAKES SUCH A CERTIFICATION, BCBP SHALL REQUIRE A PER MEGABIT DEPOSIT AS DESCRIBED BELOW. IF THIS OCCURS, THE IMPORTER WILL BE REQUIRED TO SUBMIT A LIST IDENTIFYING: 1) THE AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS; 2) THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS WHICH

PRODUCED

THESE MEGABITS; AND 3) THE AMOUNT OF KOREAN MEGABITS PRODUCED BY EACH OF THESE KOREAN DRAM MANUFACTURERS.

IF THE UNASSEMBLED KOREAN DRAMS WERE PRODUCED BY A SINGLE KOREAN MANUFACTURER, BCBP SHALL REQUIRE A CASH DEPOSIT OR A BOND EQUAL TO THE COMPANY-SPECIFIC AD VALOREM RATE SHOWN IN PARAGRAPH 4 ABOVE, APPLIED TO THE TOTAL ENTERED VALUE OF THE ASSEMBLED DRAMS.

IF THE UNASSEMBLED KOREAN DRAMS CONTAINED IN THE ASSEMBLED DRAMS WERE PRODUCED BY MULTIPLE PRODUCERS, BCBP SHALL REQUIRE A

PER MEGABIT CASH DEPOSIT OR A BOND ON THE COMPANY-SPECIFIC AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS, AS DESCRIBED IN PARAGRAPH 8.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS CONTAINED IN THE ASSEMBLED DRAMS, BUT CAN IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS WITHIN THE ASSEMBLED DRAMS, THE HIGHEST PER MEGABIT RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 8 WILL BE APPLIED TO ALL KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS, INCLUDING DRAMS CONTAINING MEGABITS WITH MIXED COUNTRIES OF ORIGIN, THE HIGHEST AD VALOREM RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 4 WILL BE APPLIED TO THE TOTAL ENTERED VALUE OF THE DRAMS.

IF THE IMPORTER CAN IDENTIFY THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS WHICH PRODUCED THE MEGABITS CONTAINED IN THE

ASSEMBLED DRAMS, BUT IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS THAT ARE IN THE ASSEMBLED DRAMS, THE HIGHEST PER MEGABIT RATE LISTED IN PARAGRAPH 8 CALCULATED FOR ANY OF THE KOREA DRAM MANUFACTURERS WHOSE UNASSEMBLED DRAMS ARE INCLUDED IN

THE ASSEMBLED DRAM SHALL BE APPLIED TO THE TOTAL MEGABITS CONTAINED IN THE ASSEMBLED DRAMS.

6. THE SCOPE OF THIS INVESTIGATION INCLUDES MEMORY MODULES FROM ALL COUNTRIES THAT CONTAIN KOREAN DRAMS (ASSEMBLED OR UNASSEMBLED). AS WITH DRAMS, AN IMPORTER MAY CERTIFY THAT THE IMPORTED MEMORY MODULES CONTAIN NO KOREAN DRAMS. FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE MEMORY MODULES MUST CERTIFY THE FOLLOWING:

I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING MEMORY MODULES), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE MEMORY MODULES, AND THAT THESE MEMORY MODULES DO NOT CONTAIN KOREAN DRAMS.

AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION. UNLESS THE COMPANY IMPORTING THE MEMORY MODULES MAKES SUCH A CERTIFICATION, BCBP SHALL REQUIRE A PER MEGABIT DEPOSIT AS DESCRIBED BELOW. IF THIS OCCURS, THE IMPORTER WILL BE REQUIRED TO SUBMIT A LIST IDENTIFYING: 1) THE AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES; 2) THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS WHICH PRODUCED THESE MEGABITS; AND 3) THE AMOUNT OF KOREAN MEGABITS PRODUCED BY EACH OF THESE KOREAN DRAM MANUFACTURERS.

IF THE KOREAN DRAMS WERE PRODUCED BY A SINGLE KOREAN PRODUCER, BCBP SHALL REQUIRE A CASH DEPOSIT OR A BOND EQUAL TO THE COMPANY-SPECIFIC AD VALOREM RATE SHOWN IN PARAGRAPH 8 APPLIED TO THE TOTAL ENTERED VALUE OF THE MEMORY MODULES.

IF THE KOREAN DRAMS CONTAINED IN THE MEMORY MODULES WERE PRODUCED BY MULTIPLE PRODUCERS, BCBP SHALL REQUIRE A PER MEGABIT CASH DEPOSIT OR BOND ON THE COMPANY-SPECIFIC AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES AS DESCRIBED IN PARAGRAPH 8.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS CONTAINED IN THE MEMORY MODULES, BUT CAN IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS WITHIN THE MEMORY MODULES, THE HIGHEST PER MEGABIT RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 8 WILL BE APPLIED TO ALL KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE TOTAL

AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES, INCLUDING MEMORY MODULES CONTAINING MEGABITS WITH MIXED COUNTRIES OF ORIGIN, THE HIGHEST AD VALOREM RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 4 WILL BE APPLIED TO THE TOTAL ENTERED VALUE OF THE MEMORY MODULES.

IF THE IMPORTER CAN IDENTIFY THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS WHICH PRODUCED THE MEGABITS CONTAINED IN THE MEMORY MODULES, BUT IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS THAT ARE IN THE MEMORY MODULES, THE HIGHEST PER MEGABIT RATE LISTED IN PARAGRAPH 8 CALCULATED FOR ANY OF THE KOREA DRAM MANUFACTURERS WHOSE DRAMS ARE INCLUDED IN THE MEMORY MODULES SHALL BE APPLIED TO THE TOTAL MEGABITS CONTAINED IN THE MEMORY MODULES.

7. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBER: C-580-851. FOR BCBP PURPOSES, FOR ALL ASSEMBLED DRAMS FROM THIRD COUNTRIES WHICH CONTAIN UNASSEMBLED KOREAN DRAMS AND FOR ALL MEMORY MODULES FROM THIRD

COUNTRIES WHICH CONTAIN KOREAN DRAMS, THE FOLLOWING COUNTRIES HAVE BEEN ASSIGNED THEIR OWN CASE NUMBER. THE FIRST THREE DIGITS REPRESENT THE COUNTRY IN QUESTION, THE NEXT THREE DIGITS WILL BE 222, AND THE LAST THREE DIGITS WILL BE THE SAME AS IN THE COMMERCE CASE FOR EACH RESPECTIVE MANUFACTURER. THE FIRST SIX DIGITS ARE GIVEN BELOW:

CANADA	C-122-222
CHINA, P.R.C	C-570-222
HONG KONG	C-582-222
INDIA	C-533-222
IRELAND	C-419-222
ISRAEL	C-508-222

ITALY	C-475-222
JAPAN	C-588-222
MEXICO	C-201-222
MALAYSIA	C-557-222
PHILIPPINES	C-565-222
SINGAPORE	C-559-222
SPAIN	C-469-222
TAIWAN	C-583-222
THAILAND	C-549-222
UNITED KINGDOM	C-412-222

THIS LIST IS FOR CONVENIENCE AND BCBP PURPOSES AND MAY BE AMENDED, DEPENDING ON CHANGES IN PATTERNS OF TRADE. IF AN IMPORT SPECIALIST SHOULD BECOME AWARE OF SHIPMENTS WITHIN THE SCOPE OF THIS COUNTERVAILING DUTY INVESTIGATION FROM THIRD COUNTRIES NOT IN THE AD/CVD MODULE, THEY SHOULD CONTACT BCBP HEADQUARTERS IMMEDIATELY. BCBP HEADQUARTERS SHOULD NOTIFY THE DEPARTMENT OF COMMERCE ABOUT SUCH SHIPMENTS.

8. FOR PURPOSES OF CASH DEPOSITS OR BONDS BASED ON PER MEGABIT AMOUNTS UNDER PARAGRAPHS 5 AND 6 ABOVE, THE PER MEGABIT DEPOSIT RATES TO BE APPLIED TO THE AMOUNT OF MEGABITS CONTAINED IN ASSEMBLED DRAMS OR MEMORY MODULES ARE AS FOLLOWS:

MANUFACTURER/PRODUCER/ WEIGHTED-AVERAGE EXPORTER RATE	IDENTIFICATION NUMBER (IN US DOLLARS)	PER MEGABIT
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HYNIX SEMICONDUCTOR INC. (FORMERLY, HYUNDAI ELECTRONICS INDUSTRIES CO., LTD.)	C-580-851-001	\$0.015
ALL OTHERS	C-580-851-000	\$0.015

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT RYAN LANGAN, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-2613.

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party